

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SANDY BATTISTA)	
Plaintiff,)	
)	
v.)	C.A. No. 05-10743-RWZ
)	
FRANK DICATALDO, ET AL.,)	
Defendants)	

MEMORANDUM AND ORDER FOR DISMISSAL

ZOBEL, D.J.

On April 12, 2005, Plaintiff Sandy Battista¹, a civilly committed inmate at the Massachusetts Treatment Center (“MTC”), Bridgewater, MA, who has been designated as a “sexually dangerous person” under M.G.L. ch. 123A § 1, a *pro se* complaint seeking injunctive and monetary relief for alleged violations of her civil rights under 42 U.S.C. §1983, with respect to his yearly evaluation as a “sexually dangerous person” (“SDP”), conducted by the Community Access Board (“CAB”). Battista claimed that the persons preparing the report were ill-qualified to make such a determination, that no specialized evaluation was used in relation to sex offenders, and that the methods used for evaluation lacked evidence of general acceptability in the medical community. Complaint at ¶¶ 20-28.

On May 19, 2005 this Court issued a Memorandum and Order (#5) directing the Plaintiff to show cause why this action should not be dismissed, for the reasons stated therein, within forty-two (42) days of the date of the Memorandum and Order.

The forty-two (42) day time period has lapsed, and to date, no written response has been

¹Plaintiff asserts that although still biologically male, she has recently been diagnosed as meeting the diagnostic criteria for “Gender Identity Disorder” and approved for cross-gender hormone treatment. She therefore refers to herself using the feminine pronoun.

filed by the Plaintiff as required. Accordingly, for the reasons set forth in the May 19, 2005 Memorandum and Order, and for Plaintiff's failure to file a timely show cause response demonstrating why this action should not be dismissed, it is hereby ORDERED that the above captioned matter is dismissed in its entirety, without prejudice.

SO ORDERED.

Dated: July 8, 2005

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE